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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

The present Office Action states that the title of the invention is not descriptive, and that a new title that is clearly indicative of the invention to which the claims are directed is required. Applicant has amended the title to read "DOWNLOADING AND UPLOADING DATA IN INFORMATION NETWORKS USING PROXY SERVER CLIENTS". It is believed that the objection to the title is overcome.

The present Office Action rejects claims 70, 80, and 89 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that it is unclear what is a "predetermined period" or what is a "target period." Further, the present Office Action rejects claims 70, 80, and 89 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that claims 70, 80, and 89 are vague and indefinite because it is unclear what a "predetermined target period" is. Applicant has amended claims 70, 80, and 89 to overcome these rejections.

The present Office Action also rejects claims 85 and 94 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that it is unclear what is a "relative[ly] slow connection speed" to be determined to discard or demote the addresses of the proxy server clients. Applicant has amended claims 85 and 94, as well as claim 76, to read "failing to meet a target connection speed" instead of the previously recited "having relatively slow connection speeds," thereby addressing these rejections.

Additionally, the present Office Action rejects claims 70-97 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,618,752 to Moore et al. (hereinafter "Moore"). With respect to claims 70, 80, and 89, Applicant would like to respectfully point out that Moore fails to teach or even suggest a server "determining if a request for data can be fulfilled by the server within a predetermined target period". While the Examiner cites

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column 2, line 47-67 of Moore to teach this element, Applicant would like to respectfully point out that a system and method for transmitting a multicast data stream through an established connection from an "Ith instance of [a] child host to [a] Jth instance of the child host", as disclosed in the cited portion of Moore, is not at all the same as, nor is it even suggestive of, a server determining if a request for data can be fulfilled *by the server* within a predetermined target period.

Likewise, Moore fails to teach or even suggest the server sending to the requesting client a proxy list comprising an address of at least one proxy server client which stores the requested data in a local cache if the request for data *is unable to be fulfilled by the server* within the predetermined target period, as recited in claims 70, 80, and 89. Thus, Moore fails to teach or even suggest all of the elements of Applicant's claims 70, 80, and 89. As a result, Applicant's claims 70, 80, and 89, and their dependents, are patentable over Moore.

Finally, Applicant has added new claims 98, 99, and 100, support for which exists in the original specification. Regarding new claims 98, 99, and 100, Applicant would like to respectfully point out that none of the prior art of record, including Moore, teaches or suggests, among other things, a server "determining if [a] request for data can be fulfilled by the server within a predetermined period of time". Accordingly, Applicant's claims 98, 99, and 100 are patentable over the prior art including Moore.

In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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